

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

REX KAY SMITH,

Plaintiff,

vs.

INTEGROW MALT, LLC, BARRETT
BUSINESS SERVICES, INC.,
CARGILL, INC., ANHEUSER-BUSCH
INBEV WORLDWIDE, INC., GREGG
SMITH, MIKE TSANTIS, ALREDO
AVILA, and ANDREW SHAW,

Defendants.

CV 19-44-M-DLC-JCL

FINDINGS AND
RECOMMENDATION

Plaintiff Rex Smith, proceeding pro se, commenced this action by filing his complaint and an application requesting leave to proceed in forma pauperis. By Order entered March 19, 2019, the Court granted his application pursuant to 28 U.S.C. § 1915(a).

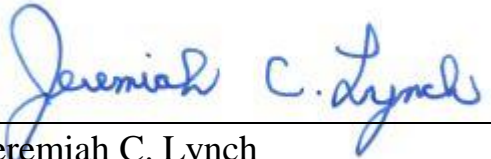
The Court also reviewed Smith's pleading as required by 28 U.S.C. § 1915(e)(2). The Court found Smith's pleading failed to present facts establishing the Court has jurisdiction over this action, and failed to demonstrate that the District of Montana is the proper venue for this action. Additionally, the Court found that Smith's allegations in his complaint were not sufficient to state a viable

legal claim for relief. Therefore, the Court concluded Smith's pleading was subject to dismissal for lack of jurisdiction and for failure to state a claim upon which relief could be granted.

But the Court granted Smith an opportunity to file an amended complaint to cure deficiencies noted by the Court, and ordered him to file the amended complaint by April 22, 2019. Review of the record in this case, however, reflects that Smith did not file his amended complaint.

Therefore, for the reasons stated in the Court's March 19, 2019 Order, IT IS HEREBY RECOMMENDED that this action be DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(2) for failure to state a claim upon which relief could be granted, and for lack of jurisdiction.

DATED this 25th day of April, 2019.



Jeremiah C. Lynch
United States Magistrate Judge